

### **REMARKS**

This Amendment is filed in response to the Final Office Action dated Dec. 27<sup>th</sup>, 2007 and the Advisory Action dated April 7, 2008, along with a Request for Continued Examination and a Petition for a 1-Month Extension of Time. The Applicant respectfully requests reconsideration in light of the below discussion. All objections and rejections are respectfully traversed.

Claims 1, 4-11, 13-19, 22-29, 31-37, 40-47, and 49-54 are pending in the case.

Claims 1, 19 and 37 have been amended.

#### **Request for Interview**

The Applicant respectfully requests a telephonic interview to advance the prosecution of this case. The Applicant believes an interview will be most productive after the Examiner has had an opportunity to review this Amendment, but prior to the issue of the next Office Action. As the Applicant can not determine when the Examiner will have time to consider this Amendment, given PTO workload, the Applicant respectfully requests the Examiner contact the Applicant at 617-951-2500 when he reviews this Amendment so that a time convenient to the Examiner may be arranged for a telephonic interview.

#### **Response to Advisory Action**

In the Advisory Action, the Examiner suggests that Rakoshitz shows “lines representing traffic flows” and that Battat suggests “lines are displayed as connecting to the network nodes.” See Advisory Action. Thus, it appears the Examiner is suggesting that Rakozhitz could somehow be modified in light of Battat, to yield what the Applicant claims.

The Applicant respectfully urges that one cannot possibly combine the references in a manner that would suggest what is claimed. Any logical combination of Rakoshitz and Battat could not simultaneously show lines representing traffic flows connecting nodes while also *“representing the value of said characteristic [of traffic] ... with a property of at least one line of said lines, said property indicating a value of said characteristic.”*

Specifically, in Rakoshitz's "line plot" (Fig. 13, 1304) the position of the line in reference to a vertical axis (representing bandwidth) and a horizontal axis (representing time) is used to indicate bandwidth relative to time. *See* Rakoshitz col. 20, lines 18-22 and Fig. 13. If one were to try to modify Rakoshitz's line plot, so that the line somehow connected representations of network components, rather than being positioned on a field relative to axes, the line plot would be destroyed. That is, absent Rakoshitz's line's spacial relationship with the vertical and horizontal axes, Rakoshitz line would signify nothing about network bandwidth. Thus, one cannot simply "plug" Rakoshitz's line into the Battat's Fig. 17 to have a line that connects representations of network components while also indicating bandwidth.

Stated differently, the Applicant respectfully urges that no logical combination of Rakoshitz and Battat may simultaneously shows *"nodes each representing components in said netork, said lines representing traffic flow between said components"* and *"representing the value of said characteristic [of traffic] ... with a property of at least one line of said lines."*

The Applicant respectfully refers the Examiner to the below discussions where the shortcomings of Rakoshitz and Battat are discussed in more detail.

### **Double Patenting**

At pages 2-3 of the Final Office Action, claims 1, 4, 5, 19, 22, 23, 37, 40 and 41 were rejected on the grounds nonstatutory obviousness-type double patenting over claims 1, 4, 5, and 12 of U.S. Patent No. 6,687,750. The Applicant notes that U.S. Patent No. 6,687,750 is the parent of the present application.

A terminal disclaimer was previously filed over U.S. Patent No. 6,687,750. As such, the double patenting rejection is believed to be overcome.

**Rejection of Claims 1, 5, 9, 13, 16, 19, 23, 27, 31, 34, 37, 41, 45, 49, and 52  
under 35 U.S.C. §103(a)**

At pages 4-6 of the Final Office Action, claims 1, 5, 9, 13, 16, 19, 23, 27, 31, 34, 37, 41, 45, 49, and 52 were rejected under 35 U.S.C. §103(a) over Rakoshitz et al., U.S. Patent No. 6,578,077 (hereinafter “Rakoshitz”), in view of Battat et al., U.S. Publication No. 2002/0013837 (hereinafter “Battat”).

The Applicant’s claim 1, representative in part of the other rejected claims, sets forth:

1. A method for graphically presenting characteristics of data traffic on a distributed computer network, comprising:
  - monitoring traffic on said network;
  - selecting ***a characteristic of said traffic*** for display;
  - obtaining a plurality of values of said characteristic for selected time intervals within a larger time interval; and
  - presenting said characteristic by playing a rapid succession of graphical images, ***each graphical image representing said network as nodes connected by lines, said nodes each representing components in said network, said lines representing traffic flow between said components, each graphical image graphically representing the value of said characteristic at a particular selected time interval within the larger time interval with a property of at least one line of said lines, said property indicating a value of said characteristic.***

Rakoshitz discusses a traffic monitoring tool with a display having two portions. “[T]he first portion displays a graphical chart representing the flow of information. The second portion displays text information describing aspects of the flow of information.” *See* col. 2, lines 49-53. The graphical chart may be a line chart (*see* Fig. 13, “line plot” 1304 and col. 20, lines 21-22), a bar chart, a pie chart, etc. (*see* col. 20, lines 38-39). In the line chart embodiment, shown in Fig. 13, the vertical axis represents bandwidth and the horizontal axis represents time. *See* col. 20, lines 19-20.

Battat discusses a virtual reality environment for managing network components. “Photo-realistic” images of buildings, rooms, computers and internal components of computers are rendered. *See* paragraphs 0109-0110. A user may selected a device with a “targeting reticule.” *See* paragraphs 0113-0114. Several example “network scenes” are presented showing “computers and other devices attached to the opened segments.” *See* paragraph 0192 and Fig. 17.

Neither Rakoshitz nor Battat teach or suggest the claimed *“a characteristic of said traffic for display”* and *“each graphical image representing said network as nodes connected by lines, said nodes each representing components in said network, said lines representing traffic flow between said components, each graphical image graphically representing the value of said characteristic... with a property of at least one line of said lines, said property indicating a value of said characteristic.”*

The Applicant novelly presents a rapid succession of graphical images, each graphical image graphically representing the value of a characteristic of traffic at a particular selected time interval within a larger time interval. To illustrate the Applicant's novel technique, the Applicant respectfully directs the Examiner's attention to the example succession of example graphical images shown in Figs. 4A to 4D of the drawings. In the example graphical images, a network is represented as components 402, 404, 406, 408, 410 connected by lines (unlabeled), which represent traffic flows between the network components. A characteristic of a traffic flow is represented with a property of a line, for example, displaying a line as thicker, as is done in Fig. 4C.

One cannot possibly combine the references in a manner that would suggest what is claimed. In Rakoshitz's "line plot" (Fig. 13, 1304), the position of the line in reference to a vertical axis (representing bandwidth) and a horizontal axis (representing time) is used to indicate bandwidth relative to time. *See* Rakoshitz col. 20, lines 18-22. If one were to try to modify Rakoshitz's line plot, so that the line somehow connected representations of network components, rather than being positioned on a field relative to axes, the line plot would be destroyed. That is, absent Rakoshitz's line's spacial relationship with the vertical and horizontal axes, Rakoshitz line signifies nothing about network bandwidth. Thus, one cannot simply "plug" Rakoshitz's line into the Battat's Fig. 17 and still have a line that indicates bandwidth.

Stated differently, the Applicant respectfully urges that no logical combination of Rakoshitz and Battat could simultaneously show *“nodes each representing network compo-*

*nents, said lines representing traffic flow between said components” and “representing the value of said characteristic [of traffic] ... with a property of at least one line of said lines.”*

Accordingly, the Applicant respectfully urges that the combination of Rakoshitz and Battat is legally insufficient to make obvious the present claims under 35 U.S.C. §103 because of the absence of the Applicant’s claimed novel *“a characteristic of said traffic for display”* and *“each graphical image representing said network as nodes connected by lines, said nodes each representing components in said network, said lines representing traffic flow between said components, each graphical image graphically representing the value of said characteristic... with a property of at least one line of said lines, said property indicating a value of said characteristic.”*

#### **Rejection of Claims 4, 6, 22, 24, 40 and 42 under 35 U.S.C. §103(a)**

At pages 6-7 of the Final Office Action, claims 4, 6, 22, 24, 40 and 42 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Reichert et al., U.S. Patent No. 5,720,022 (hereinafter “Reichert”).

The Applicant’s claim 4, representative in part also of claims 22 and 40, sets forth:

4. The method as in claim 1, further comprising:  
using a width of said at least one line as said property.

Such dependent claims build upon the independent claims. That is, claim 1 introduces a *“a characteristic of said traffic”* and *“graphical images [with]... lines representing traffic flow between said components, each graphical image graphically representing the value of said characteristic ... with a property of at least one line of said lines, said property indicating a value of said characteristic.”* Claim 4, makes clear that the property of the line in the graphical image that represents the characteristic of the traffic is *“width of said at least one line.”*

The Examiner agrees at page 7 of the Final Office Action, that “Rakoshitz and Batat...fail to teach...using a width of said at least one line as said property”, and turns to Reichert. However, Reichert also does not suggest using a width of a line in a graphical image to represent a characteristic of traffic in a network.

Reichert merely discusses a technique for converting “dimensional representations” in a CAD drawing between different international standards. *See* Reichert col. 1, lines 10-15 and 29-39. “[D]imensional representations are used for representing the dimensions of a technical drawing.” *See* Reichert col. 1, lines 25-26 and examples of dimensional representations in CAD drawings of Figs. 2-4. They have differing attributes, in each international standard, for example differing “line style (arrow types, linewidth, etc.)” and differing “text location, font, etc.” *See* Reichert col. 1, lines 40-50.

Reichert’s “dimensional representations” in CAD drawings indicate dimensions, not traffic in a network. Line width of such dimensional representations in a CAD drawing is simply a visual preference. Accordingly, the Applicant respectfully requests reconsideration of the rejection of claims 7, 25 and 43 under 35 U.S.C § 103(a).

The Applicant’s claim 6, representative in part also of claims 24 and 42, sets forth:

6. The method as in claim 1, further comprising:  
using an arrow drawn on said at least one line as said property.

Such dependent claims build upon the independent claims. That is, claim 1 introduces a *“a characteristic of said traffic”* and *“graphical images [with]... lines representing traffic flow between said components, each graphical image graphically representing the value of said characteristic ... with a property of at least one line of said lines, said property indicating a value of said characteristic.”* Claim 6, makes clear that the property of the line in the graphical image that represents the characteristic of the traffic, is *“an arrow drawn on said at least one line.”*

The Examiner agrees at page 7 of the Final Office Action, that “Rakoshitz and Battat...fail to teach using an arrow drawn on said at least one line as said property”, and turns to Reichert. However, Reichert also does not suggest using an arrow drawn on a line in a graphical image to represent a characteristic of traffic in a network.

As discussed above Reichert merely discusses a technique for converting “dimensional representations” in a CAD drawing between different international standards, which may involve differing “arrow types, linewidth, etc.” in the CAD drawing. See Reichert col. 1, lines 10-15 and 25-50 and Figs. 2-4. Reichert’s “dimensional representations” in CAD drawings show dimensions, not traffic in a network. An arrow in such a CAD drawing is merely visual preference. Accordingly, the Applicant respectfully requests reconsideration of the rejection of claims 7, 25 and 43 under 35 U.S.C § 103(a).

**Rejection of Claims 7, 8, 25, 26, 43, and 44 under 35 U.S.C. §103(a)**

At pages 7-8 of the Final Office Action, claims 7, 8, 25, 26, 43, and 44 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Tonelli et al., U.S. Patent No. 5,821,937 (hereinafter “Tonelli”).

The Applicant’s claim 7, representative in part also of claims 25 and 43, sets forth:

7. The method as in claim 1, further comprising:  
using a length of said at least one line as said property.

Such dependent claims build upon the independent claims. That is, claim 1 introduces a *“a characteristic of said traffic”* and *“graphical images [with]... lines representing traffic flow between said components, each graphical image graphically representing the value of said characteristic ... with a property of at least one line of said lines, said property indicating a value of said characteristic.”* Claim 7, makes clear that the property of the line in the graphical image that represents the characteristic of the traffic between nodes, is *“a length of said at least one line.”*

The Examiner agrees at page 8 of the Final Office Action, that “Rakoshitz and Batat...fail to teach using a length of said at least one line as said property”, and turns to Tonelli. However, Tonelli also does not suggest using a length of a line in a graphical image to represent a characteristic of traffic in a network.

Tonalli merely discusses (in reference to cited Fig. 21) storing physical dimensions of a network device’s chassis in a database and displaying it back to a user. Specifically, Tonalli explains “[t]he user can view a list 222 of specific device properties, including... chassis information 225, by clicking on a Properties button.” *See* Tonalli, col. 12, 60-65. This chassis information includes “Chassis Depth”, “Chassis Width”, “Chassis Height” and “Chassis Weight”. *See* Tonalli, Fig. 21, 226. This stored chassis information in no way suggests using a length of a line in a graphical image to represent a characteristic of traffic in a network.

Further Tonalli merely discusses (in reference to cited Fig. 7) that a user may specify a distance in a network design drawing in various ways. In one method, the “Direct Method option 75”, a user may “specify a length 76 as 100 meters 77. The user then moves the cursor to a first position 82 on the background, clicks the left mouse button, drags the cursor a distance d1 to a second position 84 on the background, and clicks the left mouse button. The network design software uses this distance to calculate the other dimensions of the office layout.” *See* col 6, lines 47-49. This technique for specifying distances, in no way suggests using a length of a line in a graphical image to represent a characteristic of traffic in a network.

Accordingly, the Applicant respectfully requests reconsideration of the rejection of claims 4, 22 and 40 under 35 U.S.C §103(a).

The Applicant’s claim 8, representative in part also of claims 26 and 44 sets forth:

8. The method as in claim 1, further comprising:  
using a density of said at least one line as said property.



Such dependent claims build upon the independent claims. That is, claim 1 introduces a *“a characteristic of said traffic”* and *“graphical images [with]... lines representing traffic flow between said components, each graphical image graphically representing the value of said characteristic ... with a property of at least one line of said lines, said property indicating a value of said characteristic.”* Claim 8, makes clear that the property of the line in the graphical image that represents the characteristic of the traffic between nodes, is *“a density of said at least one line.”*

The Examiner agrees at page 8 of the Final Office Action, that “Rakoshitz and Bat-tat...fail to teach using a density of said at least one line as said property”, and turns to Tonelli. However, Tonelli also does not suggest using a density of a line in a graphical image to represent a characteristic of traffic in a network.

As discussed above, Tonalli merely discusses (in reference to cited Fig. 21) storing physical dimensions of a network device’s chassis in a database and displaying it back to a user. *See* Tonalli, col. 12, 60-65 and Fig. 21, 226. This stored chassis information in no way suggests using a density of a line in a graphical image to represent a characteristic of traffic in a network.

Further, Tonalli merely discusses (in reference to cited Fig. 7) that a user may specify a distance in a network design drawing various ways. *See* page 6, lines 47-49. These techniques for specifying distance in no way suggest using a density of a line in a graphical image to represent a characteristic of traffic in a network.

Accordingly, the Applicant respectfully requests reconsideration of the rejection of claims 8, 26 and 44 under 35 U.S.C §103(a).

**Rejection of Claims 10, 11, 28, 29, 46, and 47 under 35 U.S.C. §103(a)**

At pages 9-10 of the Final Office Action, claims 10, 11, 28, 29, 46, and 47 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Jacoby, U.S. Patent No. 5,768,552 (hereinafter “Jacoby”).

The Applicant notes that these claims are dependent claims that depend from independent claims believed to be allowable for at least the reasons discussed above. Accordingly, these claims are believed to be allowable due to their dependency, as well as for other separate reasons.

**Rejection of Claims 14, 15, 17, 32, 33, 35, 50, 51, and 53 under 35 U.S.C. §103(a)**

At pages 10-11 of the Final Office Action, claims 14, 15, 17, 32, 33, 35, 50, 51, and 53 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Reps et al., U.S. Patent No. 6,070,190 (hereinafter “Reps”).

The Applicant notes that these claims are dependent claims that depend from independent claims believed to be allowable for at least the reasons discussed above. Accordingly, these claims are believed to be allowable due to their dependency, as well as for other separate reasons.

**Rejection of Claims 18, 36, and 54 under 35 U.S.C. §103(a)**

At page 11 of the Final Office Action, claims 18, 36, and 54 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Trcka et al., U.S. Patent No. 6,453,345 (hereinafter “Trcka”).

The Applicant notes that these claims are dependent claims that depend from independent claims believed to be allowable for at least the reasons discussed above. Accordingly, these claims are believed to be allowable due to their dependency, as well as for other separate reasons.

**Conclusion**

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

In summary, all the independent claims are believed to be in condition for allowance and therefore all dependent claims that depend there from are believed to be in condition for allowance. The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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